

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SAMUEL BOONE,	)	
	)	Civil Action No. 11 – 171J
Plaintiff,	)	
	)	District Judge Kim R. Gibson
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
W. SALAMEH, ANNETTE	)	
KOWALESKI, AND M. LESHENE,	)	
	)	
Defendants.		

**MEMORANDUM ORDER**

This suit commenced with the receipt of Plaintiff's civil rights complaint and a motion to proceed *in forma pauperis* on August 1, 2011. (ECF No. 1.) Plaintiff's motion was granted and his complaint was filed on August 19, 2011. (ECF No. 6.) This case was referred to Magistrate Judge Lisa Pupo Lenihan for all pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rules for Magistrate Judges.

Plaintiff filed an amended complaint on November 23, 2011. (ECF No. 14.) Defendant Dr. Salameh filed a Motion to Dismiss Plaintiff's amended complaint on November 29, 2011 (ECF No. 15) and Defendants Kowalewski and Leshene did the same on December 30, 2011 (ECF No. 22). On March 28, 2012, the Magistrate Judge entered a Report and Recommendation (ECF No. 28) recommending that the Motions to Dismiss be granted and Plaintiff's claims against all Defendants be dismissed without prejudice to his right to file a second amended complaint. Plaintiff was advised that he had until April 16, 2012, to file written objections to the Report and Recommendation. No objections were filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 24<sup>th</sup> day of April, 2012,

**IT IS HEREBY ORDERED** that the Motions to Dismiss filed by Defendant Dr. Salameh (ECF No. 15) and Defendants Kowalewski and Leshene (ECF No. 22) are **GRANTED** and Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** to his right to file a second amended complaint within **THIRTY (30) DAYS** of the date of this order. If Plaintiff fails to file a second amended complaint within the time allowed by this Court, Plaintiff's claims will be dismissed with prejudice and this case will be closed.

**IT IS FURTHER ORDERED** that the Report and Recommendation dated March 28, 2012 (ECF No. 28) is **ADOPTED** as the opinion of the Court.

By the Court:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Samuel Boone  
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Counsel of record.